

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Bestech, Inc. of Connecticut

Petition No. 2000-1120-053-048

**CONSENT ORDER**

WHEREAS, Bestech, Inc. of Connecticut of Ellington, CT (hereinafter "respondent") has been issued license number 000016 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about the spring of 2000, respondent was the licensed asbestos contractor for an asbestos abatement project at 454-456 Washington Street, Hartford, CT (hereinafter "the property"). Said project involved the removal of various asbestos containing materials in connection with the demolition of an apartment building on the property.
2. On or about March 20, 2000, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to properly operate and/or maintain a worker decontamination system in that Department inspectors observed respondent's workers leaving a work area on the fourth floor of the building on the property without following the procedures required by Section 19a-332a-6(c) of the Regulations of Connecticut State Agencies regarding the operation of a remote decontamination system. Department inspectors observed that said workers did not: (i) remove visible asbestos debris from their persons by high efficiency particulate air (hereinafter "HEPA") filtered vacuuming; or (ii) don clean

- disposable coveralls; or (iii) proceed directly to the remote decontamination system to shower and change clothes; and/or
- b. failed to properly construct and/or operate a worker decontamination system in that a fifty foot length of hose was being used to connect the hot water tank to the shower head, which resulted in warm water not being supplied to the shower when needed;
  3. On or about March 30, 2000, in connection with the asbestos abatement project at the property, respondent failed to comply with the requirements of an alternative work practice procedure, granted by the Department on or about March 29, 2000, in that respondent was not using a contiguous worker decontamination system in connection with the removal of asbestos containing insulation materials from the basement of the building on the property.
  4. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19-332 and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with the Regulations of Connecticut State Agencies §§19a-332a-1, 19a-332a-2, 19a-332a-6(a), 19a-332a-6(b), 19a-332a-6(c), 19a-332a-11, 20-440-1 and 20-440-6(b).

WHEREAS, respondent, in consideration of this Consent Order and for the purpose of settling this matter economically and amicably without further litigation, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.

2. Respondent shall pay a civil penalty of one thousand seven hundred and fifty dollars (\$1,750.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. This Consent Order is effective on the date this Consent Order is accepted by the Department.
6. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.
7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the

Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

10. Respondent has the right to consult with an attorney prior to signing this document.

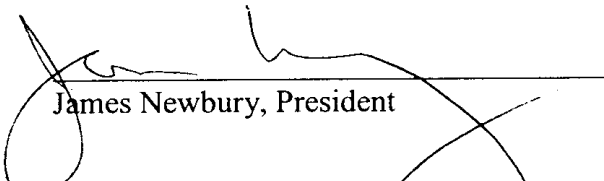
\*

\*


\*

\*


I, James Newbury, President of Bestech, Inc. of Connecticut, have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Bestech, Inc. of Connecticut to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
James Newbury, President


Subscribed and sworn to before me this 2nd day of July 2001.

  
Notary Public or person authorized  
by law to administer an oath or affirmation  
Christopher W. Huch  
Commissioner of Superior Court

The above Consent Order having been presented to the duly appointed agent of the  
Commissioner of the Department of Public Health on the 2nd day of  
July 2001, it is hereby accepted.

  
Thomas H. Furgalack, Director  
Division of Environmental Health

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Dept of Public Health  
on the 3rd day of July 2001, it is hereby ordered and accepted.

  
Elisabeth Borrino, Esq.  
Hearing Officer  
Public Health Hearing Office